

R E M A R K S

Claims 1 to 3, 6 to 8, 11 and 15 to 17 as set forth in Appendix II of this paper are now pending in this case. Claims 2, 6 to 8 and 15 have been amended as indicated in Appendix I of this paper.

More particularly, applicants have corrected the representation of formula (I) in Claim 2 to correspond to the representation of the formula which is set forth on page 2, indicated line 18, of the application, and have introduced the missing "." at the end of the claim.

In Claims 6 and 8, applicants have corrected typographical errors which were made in the clean copy of claims previously presented.

Claim 7 has been amended to depend upon Claim 6 instead of Claim 5 which was canceled earlier. Additionally, applicants have revised the wording of Claim 7, changing the expression "said the" to --said--, and the expression "ethoxylated" to --alkoxylated--. The expression --alkoxylated-- appears to be more appropriate in the context of Claim 7 since the alcohol carries "ethoxy and/or propoxy" groups.

Last but not least, applicants have deleted the phrase "the group comprising" in Claim 15 as suggested by the Examiner.

No new Matter has been added.

Claims 1, 3, 6, 8, 11 and 15 to 17 stand allowed. The changes effected in these claims in the present amendment are merely editorial and have no impact on the subject matter defined by those claims. The status of these claims should therefore not be effected by applicants' amendment.

Claim 2 stands rejected under Section 112, ¶2, for lack of antecedent basis for the definition of "n". The corrected formula (I) which applicants have introduced in accordance with the disclosure on page 2 of the application includes the variable "n". Withdrawal of the rejection is therefore respectfully solicited.

The Examiner objected to Claim 7 for being dependent upon a canceled claim, and to Claim 15 for reciting "the group comprising".

Applicants' amendment obviates the objections, and withdrawal is therefore solicited.

In light of the foregoing and the attached, the application should now be in condition for allowance. Favorable action is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Herbert B. Keil

Reg. No. 18,967

1350 Connecticut Ave, N.W.  
Washington, D.C. 20036  
(202) 659-0100

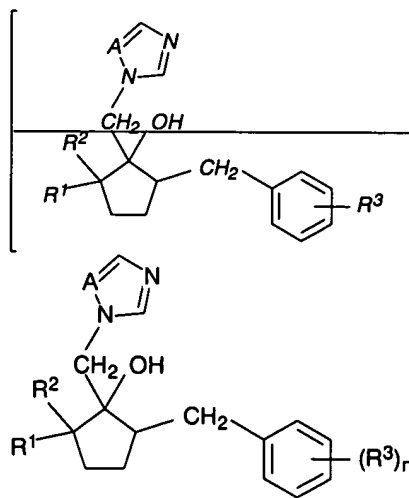
Encl.: THE LISTING OF CLAIMS (Appendix I)  
THE AMENDED CLAIMS (Appendix II)

HBK/BAS

## A P P E N D I X I:

THE LISTING OF CLAIMS (version with markings, showing the changes made):

1. (previously presented) A non-aqueous, emulsifiable concentrate (EC) formulation for fungicidal crop protection active compounds which comprises
- (a1) 50 to 300 g/L of at least one azole derivative having a free hydroxy group or a salt or an adduct thereof;
  - (a2) optionally 50 to 500 g/L of at least one additional fungicidally active compound;
  - (b) 100 to 700 g/L of one or more alkoxylates of an aliphatic alcohol,
  - (c) up to 100 g/L of one or more non-ionic dispersants,
  - (d) 10 to 100 g/L of one or more anionic dispersants,
  - (e) 50 to 600 g/L of one or more polar aprotic organic solvents selected from the group consisting of N-alkylpyrrolidones, N-cycloalkylpyrrolidones, N-hydroxyalkyl-pyrrolidones and lactones,
  - (f) up to 500 g/L of one or more non-polar organic solvents, and
  - (g) up to 5 g/L of one or more defoamers.
2. (currently amended) A formulation according to claim 1 wherein component (a1) is a compound of formula I



in which

$R^1$  and  $R^2$  each independently represent hydrogen atom or an optionally substituted alkyl, alkenyl, alkynyl or alkadienyl group;

R<sup>3</sup> represents a halogen atom or an optionally substituted alkyl, alkenyl, alkynyl, alkadienyl, alkoxy or aryl group;

A represents a nitrogen atom or a CH group; and

n represents an integer from 0 to 2.

3. (original) A formulation according to claim 1 wherein component (a) is metconazole.
4. (canceled)
5. (canceled)
6. (currently amended) A formulation according to claim 1 wherein said alkoxyate of an aliphatic alcohol (b) is a C<sub>5-20</sub> alcohol being [~~alkoxylates~~] alkoxylated with 1 to 20 C<sub>2-6</sub> alkoxy groups.
7. (currently amended) A formulation according to claim [5] 6 wherein said [~~the~~] alkoxyate (b) is a straight-chain or branched C<sub>7-19</sub> alcohol being [~~ethoxylated~~] alkoxylated with 4 to 18 ethoxy and/or propoxy groups, or a mixture thereof.
8. (currently amended) A formulation according to claim 1 wherein the ratio of the crop protection active compounds [~~(+)~~] (a) to said alkoxyates of an aliphatic alcohol (b) is between 1:0.5 and 1:100.
9. (canceled)
10. (canceled)
11. (original) A formulation according to claim 1 wherein the polar aprotic solvent (e) is immiscible with water.
12. (canceled)
13. (canceled)
14. (canceled)
15. (currently amended) An EC according to claim 1 wherein the defoamer (g) is selected from [~~the group comprising~~] perfluoroalkyl-phosphonic acids, perfluoroalkylphosphinic acids and mixtures thereof, and which additionally comprises a silicone-based defoamer.
16. (original) A method for combating a fungus at a locus which comprises emulsifying a formulation as claimed in claim 1 with water

and treating said locus with the obtained diluted aqueous formulation.

17. (previously presented) A formulation according to claim 8 wherein the ratio of the crop protection active compounds (a) to said alkoxylates of an aliphatic alcohol (b) is between 1:1 and 1:10.
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